

Senator Ron Wyden  
10:00 am, November 17, 2010  
Senate Judiciary Committee  
Judicial and Executive Nominations hearing

Chairman Leahy, Ranking Member Sessions, and members of the Committee:

I'd like to thank Chairman Leahy and Ranking Member Sessions for scheduling this hearing today and for including two Oregon judicial nominees on the agenda. It is my great honor to introduce two outstanding lawyers and public servants, Judge Marco Hernandez and Michael Simon, to serve as U.S. District Court Judges for the District of Oregon. I have known both of these distinguished Oregonians for many years, and it is a pleasure to be able to introduce them today.

I would first like to welcome the family members and honored guests that are here with both nominees. Judge Hernandez is joined by his wife Mary Beth, daughter Alicia, son Daniel, and his parents Frank and Rosa Hernandez. Oregon's Chief Justice Paul DeMuniz and his wife Mary are also here. Mr. Simon is joined by his wife, Oregon State Senator Suzanne Bonamici, and his daughter Sara. Michael's son Andrew, who was an intern in my Portland office, is overseas and can't be here, but he's streaming the hearing on the internet. Welcome to all of you.

It's not often that a judicial nominee is nominated by two presidents of different parties at the recommendation of two senators of different parties. But that is exactly happened with Judge Marco Hernandez. He was first nominated for the District Court by President Bush in 2008, when Senator Gordon Smith lead the nomination process, and I supported his recommendation of Judge Hernandez. Unfortunately, the 110th Congress was unable to act upon his nomination before adjourning. In the 111<sup>th</sup> Congress, I recommended Judge Hernandez's nomination to President Obama, with the strong support of Senator Merkley. I was thrilled when President Obama announced that he too had chosen Judge Hernandez to be nominated to the federal bench.

It's no surprise that leaders from both parties are united in supporting Judge Hernandez, because his life story is a testament to the American dream. At age 17, Marco Hernandez moved to Oregon – all alone. Needing to support himself, he took a job as a dishwasher, later found a better job as a janitor, and eventually became a teacher's aide. At that point, Judge Hernandez began taking night classes at a local community college, with the hope of one day attending a four-

year college. Finally, he was able to enroll at Western Oregon State College, and quickly demonstrated his ability to excel. Judge Hernandez earned the Delmer Dewey Award as the most outstanding male student in his class. Following college, Marco went on to graduate from the University of Washington School of Law.

From the beginning of his legal career, Judge Hernandez demonstrated a strong commitment to public service. After law school, Judge Hernandez worked at Oregon Legal Services representing farm workers. He then served as a Deputy District Attorney and was later appointed to be a state court judge, where he's served for the past 15 years.

Throughout his judicial career, Judge Hernandez has demonstrated a keen eye towards creative solutions. He implemented an innovative domestic violence program to aggressively pursue offenders, and created a new program for mentally ill defendants, which he continues to oversee.

As a nominee for the federal bench, Judge Hernandez has enjoyed the support of both Republicans and Democrats, and broad range of legal organizations. He has received the strong backing of the Hispanic National Bar Association, and would be the first Hispanic Article III judge in Oregon. I offer my whole-hearted endorsement and urge this committee to confirm his nomination.

Let me turn now to Oregon's other outstanding nominee, Michael Simon. Mr. Simon's diverse and impressive legal career includes work as a public servant, litigator, professor, and pro tem judge, just to scratch the surface. Mr. Simon is currently a partner at Perkins Coie in Portland, where's worked since 1986. After graduating *summa cum laude* from UCLA, Mr. Simon attended Harvard Law School, where he graduated *cum laude*. Mr. Simon began his legal career in the Department of Justice's Antitrust Division, where he served as a trial attorney for five years. During this time, he also volunteered for, and served as, a Special Assistant U.S. Attorney for the Eastern District of Virginia.

Throughout his work both in the public sector and in private practice, Mr. Simon has been an active member of his community, taking leadership positions in many legal, professional, and civic groups. Mr. Simon has engaged in extensive *pro bono* work and has volunteered for many local non-profit organizations. He's been an adjunct faculty member at Lewis & Clark Law School, teaching Antitrust Law. And he's served as a *pro tem* judge on the Multnomah County Circuit

Court. In short, Michael Simon is a pillar of the community, an exemplary member of the bar, and an outstanding nominee for the federal bench.

As a final note, I would add that with two federal judicial vacancies in Oregon, it is imperative to fill these positions promptly. In fact, one of these seats has been vacant for 656 days and is classified as a judicial emergency. The backlog of cases continues to grow. Justice delayed is justice denied. The citizens of Oregon deserve a full federal bench.

I couldn't be more pleased to present to the committee these two extraordinary lawyers for confirmation to the U.S. District Court for Oregon. I urge you to act as promptly as possible to fill the vacancies on Oregon's federal bench by giving your strong support to Judge Marco Hernandez and Michael Simon. Thank you.